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WESTERN DISTRICT OF WASHINGTON  
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07-CV-00696-ORD

BY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHRISTOPHER JOHNSON,

Plaintiff,

v.

STATE OF WASHINGTON,

Defendant.

CASE NO. C07-0696-MJP

ORDER FOR SUMMARY REMAND

The Court, having reviewed petitioner's notice of removal, the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, Plaintiff's objections (Dkt. No. 11), and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff is attempting to remove a criminal appeal and petition for post-conviction relief. The removal statute — 28 U.S.C. § 1446(c)(1) — provides that a notice of removal "shall be filed not later than thirty days after the arraignment in State court, or at any time before trial, whichever is earlier." Because Plaintiff is trying to remove an appeal and petition for post-conviction relief, which occur after trial,

01 Plaintiff is time-barred from removing this case. This matter is therefore  
02 summarily REMANDED to the state court. *See* 28 U.S.C. § 1446(c)(4);

03 (3) The Clerk is directed to send copies of this Order to petitioner and to Judge  
04 Theiler; and

05 (4) The Clerk shall also send copies of this Order to the Clerk of the Washington  
06 Court of Appeals and the Clerk of the Washington Supreme Court.

07 DATED this 15 day of August, 2007.

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09 MARSHA J. PECHMAN  
10 United States District Judge  
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